



[10191/2131]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : SARFERT et al. Confirmation No.: 9008
Serial No. : 10/075,834
Filed : February 13, 2002
For : METHOD AND DEVICE FOR STATE SENSING OF
TECHNICAL SYSTEMS SUCH AS ENERGY STORES
Examiner : T. Le
Art Unit : 2863
Customer No. : 26646

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Mail-Stop Non-Fee Amendment
Commissioner for Patents
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Date 12/3/03

Atty's Reg. # 41.172

Atty's Signature

DERVIS MAGISTRE
**DERVIS MAGISTRE
KENYON & KENYON**

RESPONSE

SIR:

In response to the Office Action dated September 3, 2003, reconsideration of
the above-referenced application is respectfully requested in view of the following remarks.

REMARKS

Claims 1-12 remain pending in the above-referenced application and are
submitted for the Examiner's reconsideration.

Claims 1, 7, and 9-12 stand rejected under 35 U.S.C. § 102(b) as being
anticipated by United States Patent No. 5,349,540 to Birkle et al. ("Birkle"). Regarding
claim 1, Applicants disagree with this rejection for at least the reason that Birkle does not
teach that "a selection of at least one of ... the at least one system-dependent model parameter
determined by estimation depends on a dynamic response of the at least one measured
performance quantity." In Birkle, which is directed to the use of a model supported
simulation to determine a state of a rechargeable electric energy storage device, a "model
calculation (6) is conducted parallel to the real process." Column 4, lines 35-36. The "real
process" refers to the "charging/discharging (process)" of the storage device. Column 3, lines
60-61. In the calculation, "input values stemming from the measurement are utilized to
calculate the model output values...using model equations (7) and the corresponding model
parameters (8) of the current state of the process." Column 4, lines 35-41. Thus, the model



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RESPONSE TRANSMITTAL

SIR:

Please find a Response transmitted herewith for filing in the
above-identified patent application.

No fee is believed to be required. However, if any fee is required,
please use Deposit Account No. 11-0600. A duplicate copy of this transmittal letter is
enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON

By: *LS Magist* (Reg. No. 41,172)

Dated: 12/3/03

By: *Richard L. Mayer*
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